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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/035,890

12/31/2001

Douglas A. Nagan

DUNHAM

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12/21/2004

DUANE MORRIS, LLP

IP DEPARTMENT

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EXAMINER

WASYLCHAK, STEVEN R

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/035,890	<b>Applicant(s)</b> NAGAN ET AL.	
	<b>Examiner</b> Steven R. Wasylchak	<b>Art Unit</b> 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Guheen et al. (US 6,519,571).

Claims:

1. A method for assessing risks, comprising:

creating a questionnaire containing a series of questions for prompting a user

to supply information segmented according to risk areas; /abstract; fig 31D (active profiling; customer feedback and surveys); fig 69

providing a data store for recording data identifying user responses to the questions/fig 31E (all); fig 17

programming a series of scoring rules containing an algorithm whereby the user/fig 1(operation 30); col 81, L 30-60

responses are interpreted as indicating a predetermined level of risk;/col 2, L 6-25

presenting the questionnaire to a user and collecting the user responses in the

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**data store** processing the user responses through the scoring rules and the algorithm to generate a report identifying risk levels according to the risk areas./abstract; fig 1; fig 31E; col 81, L 30-60

2. The method of claim 1, further comprising storing a series of recommendations associated with the risk areas, selecting among the recommendations as a function of at least one of the user responses and the risk levels identified by said processing step, and presenting selected ones of the recommendations in the report./col 81, L 30-60
3. The method of claim 1, further comprising creating a database and storing the questions and the user responses for a plurality of users for comparison in risk assessments of future users./ col 81, L 30-60
4. The method of claim 1, at least one of segmenting of the risk areas, creating the questionnaire and composing the algorithm comprises reliance on available data and judgment of professionals skilled in the risk areas./ col 81, L 30-60
5. The method of claim 1, wherein the risks comprise at least one of risk of a claim of loss due to computational deficiency, denial of service, security breach, violation of legal regulations, tort, contractual breach, insufficient

capacity to meet contractual requirements, breach of commitment of confidentiality, violation of intellectual property rights, failure to adhere to multi jurisdictional differences in regulation. /abstract (returns); fig 54; col 35,L 9-55

6. The method of claim 1, wherein the risks are selected from the group

consisting of risk of a claim of loss due to computational deficiency, denial of service, security breach, violation of legal regulations, tort, contractual breach, insufficient capacity to meet contractual requirements, breach of commitment of confidentiality, violation of intellectual property rights, failure to adhere to multi jurisdictional differences in regulation./ abstract (returns); fig 54; col 35,L 9-55

7. The method of claim 1, wherein the risks consist of risk of a claim of loss

due to computational deficiency, denial of service, security breach, violation of legal regulations, tort, contractual breach, insufficient capacity to meet contractual requirements, breach of commitment of confidentiality, violation of intellectual property rights, failure to adhere to multi-jurisdictional differences in regulation./ abstract (returns); fig 54; col 35,L 9-55

8. The method of claim 1, wherein said questionnaire requires selection among a limited set of possible answers and the algorithm quantifies risk based on each possible answer./ col 81, L 30-60

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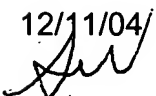
9. The method of claim 8, wherein the questionnaire requires selection among yes/no and numeric answers./ col 81, L 30-60 ( inherent in statistical process)
10. The method of claim 8, wherein the questionnaire permits at least one of a missing answer and an answer indicating a lack of information, and wherein the algorithm assesses the risk levels as a function of said one of a missing answer and said lack of information./ col 81, L 30-60 ( inherent in statistical process: limited population sample)

This action is **NON-FINAL**. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Wasylchak whose telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Thursday from 7:00 a.m. to 6:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for Art Unit 3624 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Steven Wasylchak

12/11/04/  




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